

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

<b>SHARLYN BERTRAND</b>	<b>:</b>	<b>DOCKET NO. 2:09-cv-76</b>
<b>VS.</b>	<b>:</b>	<b>JUDGE TRIMBLE</b>
<b>GREG FISCHER, ET AL.</b>	<b>:</b>	<b>MAGISTRATE JUDGE KAY</b>

**REPORT AND RECOMMENDATION**

In a separately issued Memorandum Order, this court denied plaintiffs' Motion to Remand [doc. 7] and determined that the named plaintiffs have not established a cause of action against named defendant, Greg Fischer.

Because "[s]ummary judgment will always be appropriate in favor of a defendant against whom there is no possibility of recovery," *Carriere v. Sears, Roebuck & Co.*, 893 F.2d 98, 102 (5th Cir. 1990), the undersigned recommends that all claims against Greg Fischer be dismissed with prejudice.

**This Report and Recommendation serves as notice of the possibility that the trial court may enter summary judgment against plaintiffs on behalf of defendant Target Corp. pursuant to Fed. R. Civ. P. 56 should the trial court accept it. Any objections must be specific, in writing, and filed within fourteen days after being served electronically with this report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(b), 72(b). A party's failure to object bars that party from entitlement to de novo review by the district judge of these proposed findings and recommendations and further bars appellate review except on the grounds of**

**plain error of unobjected-to factual findings and legal conclusions accepted by the district court. *Douglass v. United Servs. Auto Ass'n.*, 79 F.3d 1415 (5th Cir. 1996).**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on this 29<sup>th</sup> day of December, 2009.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE